

ASSEMBLY BILL

No. 315

Introduced by Assembly Member De Leon

February 18, 2009

An act to amend Section 8222 of the Education Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 315, as introduced, De Leon. Child care and development services: alternative payment programs.

The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs, which offer a full range of services for children from infancy to 13 years of age who are eligible for services. The act authorizes funds appropriated for purposes of the act to be used for alternative payment programs to allow for maximum parental choice.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8222 of the Education Code is amended
- 2 to read:
- 3 8222. (a) Payments made by alternative payment programs
- 4 shall not exceed the applicable market rate ceiling. Alternative
- 5 payment programs may expend more than the standard

1 reimbursement rate for a particular child. However, the aggregate
2 payments for services purchased by the agency during the contract
3 year shall not exceed the assigned reimbursable amount as
4 established by the contract for the year. ~~No~~ *An agency may shall*
5 *not* make payments in excess of the rate charged to full-cost
6 families. This section does not preclude alternative payment
7 programs from using the average daily enrollment adjustment
8 factor for children with exceptional needs as provided in Section
9 8265.5.

10 (b) Alternative payment programs shall reimburse licensed child
11 care providers in accordance with a biennial market rate survey
12 pursuant to Section 8447, at a rate not to exceed the ceilings
13 established pursuant to Section 8357.

14 (c) An alternative payment program shall reimburse a licensed
15 provider for child care of a subsidized child based on the rate
16 charged by the provider to nonsubsidized families, if any, for the
17 same services, or the rates established by the provider for
18 prospective nonsubsidized families. A licensed child care provider
19 shall submit to the alternative payment program a copy of the
20 provider's rate sheet listing the rates charged; and the provider's
21 discount or scholarship policies, if any, along with a statement
22 signed by the provider confirming that the rates charged for a
23 subsidized child are equal to or less than the rates charged for a
24 nonsubsidized child.

25 (d) An alternative payment program shall maintain a copy of
26 the rate sheet and the confirmation statement.

27 (e) A licensed child care provider shall submit to the local
28 resource and referral agency a copy of the provider's rate sheet
29 listing rates charged, and the provider's discount or scholarship
30 policies, if any, and shall self-certify that the information is correct.

31 (f) Each licensed child care provider may alter rate levels for
32 subsidized children once per year and shall provide the alternative
33 payment program and resource and referral agency with the updated
34 information pursuant to subdivisions (c) and (e), to reflect any
35 changes.

36 (g) A licensed child care provider shall post in a prominent
37 location adjacent to the provider's license at the child care facility
38 the provider's rates and discounts or scholarship policies, if any.

39 (h) An alternative payment program shall verify provider rates
40 no less ~~frequently~~ than once a year by randomly selecting 10

1 percent of licensed child care providers serving subsidized families.
2 The purpose of this verification process is to confirm that rates
3 reported to the alternative payment programs reasonably correspond
4 to those reported to the resource and referral agency and the rates
5 actually charged to nonsubsidized families for equivalent levels
6 of services. It is the intent of the Legislature that the privacy of
7 nonsubsidized families shall be protected in implementing this
8 subdivision.
9 (i) The department shall develop regulations for addressing
10 discrepancies in the provider rate levels identified through the rate
11 verification process in subdivision (h).

O